



AUG 27 2004

Application No. (if known): 09/523,767

Attorney Docket No.: 49603(71699)

## **Certificate of Express Mailing Under 37 CFR 1.10**

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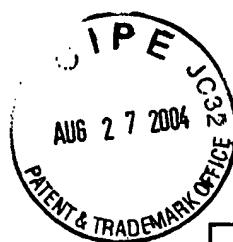
MS RCE  
Commissioner for Patents  
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on August 27, 2004  
Date

Safiya Jarvis  
Signature  
Safiya Jarvis  
Typed or printed name of person signing Certificate

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Five Month Request for Extension of Time Under 37 CFR 1.136(a)  
Request for Continued Examination Transmittal  
Previously Filed Amendment  
Fee Transmittal  
Letter to Examiner  
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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 1,300.00)
**Complete if Known**

Application Number	09/523,767
Filing Date	March 11, 2000
First Named Inventor	Eugene De Juan, Jr.
Examiner Name	J. R. Baxter
Art Unit	3731
Attorney Docket No.	49603(71699)

**METHOD OF PAYMENT (check all that apply)**
 Check  Credit Card  Money Order  Other  None

 Deposit Account:

 Deposit Account Number **04-1105**

 Deposit Account Name **Edwards & Angell, LLP**

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1) (\$ 0.00)**
**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	-20** =	Extra Claims	Fee from below	Fee Paid
Independent Claims	-3** =			
Multiple Dependent				

Large Entity	Small Entity	Fee Code (\$)	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$ 0.00)**

\*\* or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	530.00**
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	770.00
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$ 1,300.00)**

\*\*Reduced by the amount previously paid

SUBMITTED BY		(Complete if applicable)		
Name (Print/Type)	William J. Daley	Registration No. (Attorney/Agent)	35,487	Telephone (617) 439-4444
Signature	<i>William J. Daley</i>	Date	August 27, 2004	



Attorney Docket No. 49,603 (71699)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

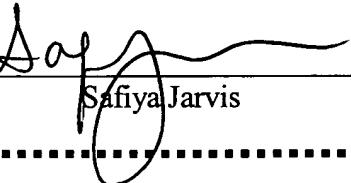
APPLICANTS	E. de Juan, Jr., et al.	EXAMINER:	Baxter, Jessica, R.
U.S.S.N.:	09/523,767	GROUP:	3731
FILED:	March 11, 2000	Conf. No.	5862
FOR:	<b>SUTURELESS OCCULAR SURGICAL METHODS AND INSTRUMENTS FOR USE IN SUCH METHODS</b>		

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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By:   
Safiya Jarvis

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**LETTER TO EXAMINER**

Sir:

A Response to Final Office Action dated July 27, 2004 was filed by Express Mail under the Expedited Procedure of 37 C.F.R. 1.116. In response to a call from the undersigned, the Examiner advised that as of August 26, 2004, the Examiner had not received Applicants' Response to Final Office Action as well as the related case file. As such, the Examiner recommended that Applicants take that action necessary to prevent the subject application from going abandoned.

Accordingly, Applicants are filing the within RCE to maintain the pendency of the subject

Applicant: E. de Juan, Jr., et al.  
U.S.S.N.: 09/523,767  
LETTER TO EXAMINER  
Page 2 of 2

application along with requesting entry of the Final Office Action even though Applicants have not received an Advisory Action from the Patent Office relative to the Response.

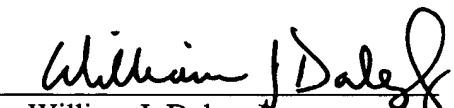
It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

Applicants believe that additional fees are not required for consideration of the within Letter to Examiner. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,  
Edwards & Angell, LLP

Date: August 27, 2004

By:

  
William J. Daley, Jr.  
(Reg. No. 35,487)  
P.O. Box 55874  
Boston, MA 02205  
(617) 439- 4444

**Customer No. 21,874**

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